

MAR 13 2015

SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO FORM A WORKING
GROUP TO EXAMINE SMARTER SENTENCING TO IMPROVE THE QUALITY
AND RELIABILITY OF STATE CRIMINAL SENTENCING PRACTICES.

1 WHEREAS, the prison population in the United States has
2 grown tremendously over the past four decades despite the
3 tapering off of crime over the past twenty years, partly due to
4 the imposition of lengthy sentences; and

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6 WHEREAS, the increasing number of individuals imprisoned
7 has led to rising operating costs, community reliance on
8 incarceration, and growing numbers of inmates prematurely
9 released from prison each year; and

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11 WHEREAS, offender recidivism rates continue to be an issue
12 because many inmates who are released from incarceration are not
13 prepared to lead law-abiding lives and reintegrate into society;
14 and

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16 WHEREAS, the number of inmates prematurely released has led
17 to a growing sentiment that there is interdependency among
18 participants in the judicial process that needs to be recognized
19 in working with each other and in the decision-making processes
20 regarding offenders; and

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22 WHEREAS, smarter sentencing uses research and science to
23 enhance the decision making ability of criminal justice
24 stakeholders in the selection and application of fair, just,
25 proportionate, and efficient sanctioning goals; and

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27 WHEREAS, at each decision point during the process of
28 charging an individual with an offense, negotiating and
29 recommending a plea deal, and determining the ultimate sentence,
30 there is an opportunity to use research-based smarter
31 sentencing; now, therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-eighth
2 Legislature of the State of Hawaii, Regular Session of 2015, the
3 House of Representatives concurring, that the Department of
4 Public Safety is requested to convene a working group to examine
5 the concept of smarter sentencing to improve the quality and
6 reliability of the State's criminal justice sentencing policies
7 and practices; and

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9 BE IT FURTHER RESOLVED that the purpose of the working
10 group is to research:

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12 (1) The number of cases over the last ten years in which
13 smarter sentencing principles were applied to the
14 negotiation and recommendation of a sentence;
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16 (2) The number of cases over the past ten years in which
17 principles of smarter sentencing were applicable; and
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19 (3) Possibilities of designing, implementing, and
20 streamlining a process involving smarter sentencing;
21 and

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23 BE IT FURTHER RESOLVED that the Department of Public Safety
24 is requested to include in the working group:

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26 (1) The Chair of the Senate and House of Representatives
27 committees with primary jurisdiction over the
28 Judiciary;
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30 (2) The Chair of the Senate and House of Representatives
31 committees with primary jurisdiction over public
32 safety;
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34 (3) The county prosecutor of each of the counties of
35 Hawaii, Kauai, and Maui, and the City and County of
36 Honolulu;
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38 (4) One public defender to represent the Office of the
39 Public Defender located in each of the counties of
40 Hawaii, Kauai, and Maui, and the City and County of
41 Honolulu;
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- 1 (5) The Attorney General, or the Attorney General's
2 designee;
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4 (6) Two members appointed by the Chief Justice of the
5 Hawaii Supreme Court;
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7 (7) One representative of the American Civil Liberties
8 Union of Hawaii;
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10 (8) One representative of the Hawaii Civil Rights
11 Commission; and
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13 (9) Four members from the community, to be appointed by
14 the Governor; and
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16 BE IT FURTHER RESOLVED that the working group is requested
17 to select a chairperson from among its members and meet at least
18 five times prior to December 31, 2015; and
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20 BE IT FURTHER RESOLVED that the working group is requested
21 to submit a report of its findings and recommendations,
22 including any proposed legislation, to the Legislature no later
23 than twenty days prior to the convening of the Regular Session
24 of 2016; and
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26 BE IT FURTHER RESOLVED that the working group be dissolved
27 on June 30, 2016; and
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29 BE IT FURTHER RESOLVED that certified copies of this
30 Concurrent Resolution be transmitted to the Governor, President
31 of the Senate, Speaker of the House of Representatives, Director
32 of Public Safety, Prosecuting Attorney of the County of Hawaii,
33 Prosecuting Attorney of the County of Kauai, Prosecuting
34 Attorney of the County of Maui, Prosecuting Attorney of the City
35 and County of Honolulu, Office of the Public Defender, Attorney
36 General, Administrator of the Courts, Executive Director of the
37 American Civil Liberties Union of Hawaii, and Executive Director
38 of the Hawaii Civil Rights Commission.
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OFFERED BY:

Will Egan
AC-Task-Force



S.C.R. NO. 128

Randy H Baker
Breene Smith

Ron E Bl
7500 Jh

Gal M

Mike Gofford

